

PARTIES

4. Plaintiff, Hilda L. Solis, is the duly appointed Secretary of Labor, United States Department of Labor. Plaintiff is authorized to bring this action pursuant to section 402(b) of Title IV of the Act of 1959, 29 U.S.C. § 482(b).

5. Defendant is, and at all times relevant to this action has been, an unincorporated association residing in the County of Lake, Indiana, within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

6. Defendant is, and at all times relevant to this action has been, a local labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j), and 402(b) of the Act, 29 U.S.C. §§ 402(i), 402(j), and 482(b).

7. Defendant, purporting to act pursuant to its bylaws, conducted an election of officers on April 27, 2009. The election was subject to the provisions of Title IV of the Act, 29 U.S.C. §§ 481-483.

8. By letter dated May 14, 2009, to the Defendant's Recording Secretary, the complainants, Joseph Jarzabkowski and Rodney Basiak, members in good standing of Defendant, protested Defendant's April 27, 2009, 2009 election.

9. On May 18, 2009, the membership denied the protest during the Defendant's regularly scheduled membership meeting.

10. In an undated letter received by the International on May 26, 2009, Jarzabkowski and Basiak appealed the decision of the local membership to the International Secretary-Treasurer for consideration by the International Executive Board.

11. On July 16, 2009, the International's Commission, on behalf of the International

Executive Board, held a hearing on the appeal.

12. In a report dated August 4, 2009, the International's Commission issued a finding on the appeal, concluding that there were no violations of the International's Constitution or the Election Manual. The report was received by the International Secretary-Treasurer on August 10, 2009.

13. At the time that the complainants filed their complaints with the Department, the complainants had not received a decision from the International Secretary-Treasurer regarding the appeal or a copy of the International's Commission finding.

14. Having invoked the remedies available for three calendar months without receiving a final decision after invocation, Jarzabkowski and Basiak filed separate timely complaints with the Secretary of Labor on August 31, 2009 and September 2, 2009, respectively, within the one calendar month required by section 402(a)(2) of the Act, 29 U.S.C. § 482(a)(2).

15. In a series of letters, the Defendant agreed that the time within which the Plaintiff may bring suit with respect to the Defendant's aforesaid election be extended to February 19, 2010.

16. Pursuant to section 601 of the Act, 29 U.S.C. § 521, and in accordance with section 402(b) of the Act, 29 U.S.C. § 482(b), Plaintiff investigated the complaints and, as a result of the facts shown by her investigation, found probable cause to believe that: (1) violations of Title IV of the Act (29 U.S.C. §§ 481-483) had occurred in the conduct of Defendant's April 27, 2009 election; and (2) that such violations had not been remedied at the time of the institution of this action.

CAUSE OF ACTION

17. Section 401(g) of the Act, 29 U.S.C. § 481(g), was violated during the conduct of the aforesaid election in that individuals who were supportive or members of the incumbent slate conducted campaign fund raising activities during times when they were being paid by the employer, thus using the employer's resources to promote the candidacy of the incumbent slate.

18. Section 401(g) of the Act, 29 U.S.C. § 481(g), was violated during the conduct of the aforesaid election in that the incumbent slate used the employer's facility to conduct fund raising activity, thus using the employer's resources to promote the candidacy of the incumbent slate.

19. The violations of section 401(g) of the Act, 29 U.S.C. § 481(g), found and alleged above may have affected the outcome of Defendant's April 27, 2009 election for the offices of President, Vice President, Recording Secretary, Treasurer, Guide, Inner Guard and Trustee (two seats).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment:

(a) declaring Defendant's election for the offices of President, Vice President, Recording Secretary, Treasurer, Guide, Inner Guard and Trustee (two seats) null and void;

(b) directing Defendant to conduct a new election for the offices of President, Vice President, Recording Secretary, Treasurer, Guide, Inner Guard and Trustee (two seats), under the supervision of the Plaintiff;

- (c) for the costs of this action; and
- (d) for such other relief as may be appropriate.

Respectfully submitted,

DEBORAH GREENFIELD
Acting Deputy Solicitor

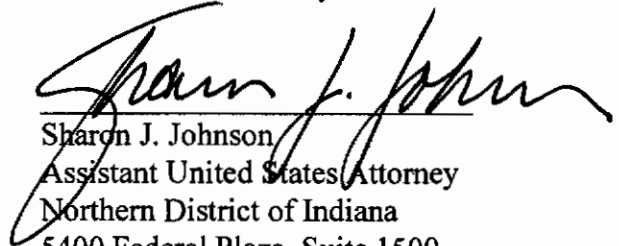
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